SD WA 125: M668/2005/June 23-24



Minutes of the Board of Water and Natural Resources Meeting 1583 00705 2762 Floyd Matthew Environmental Education and Training Center 523 East Capitol Avenue Pierre, South Dakota

June 23-24, 2005

JUNE 23, 2005 – 1:00 P.M. CDT

CALL MEETING TO ORDER: Chairman Brad Johnson called the meeting to order at 1:00 p.m. CST. A quorum was present.

INTRODUCTION OF NEW BOARD MEMBER: Dave Templeton introduced Kelly Wheeler, Pierre, whom the Governor appointed to fill the vacancy left by Gregg Greenfield's resignation.

BOARD MEMBERS PRESENT: Brad Johnson, Dale Kennedy, Don Bollweg, Gene Jones, Don Rounds, and Kelly Wheeler.

BOARD MEMBER ABSENT: John Loucks.

OTHERS PRESENT: See attached attendance sheets.

APPROVE AGENDA: Jim Feeney noted that under "Other Business" the staff intended to present an update on the West River/Lyman-Jones Drinking Water SRF loan.

APPROVE MINUTES OF MARCH 30-31, 2005, MEETING: Motion by Kennedy, seconded by Bollweg, to approve the minutes of the March 30-31, 2005, Board of Water and Natural Resources meeting. Motion carried.

STATE WATER PLAN AMENDMENT APPLICATIONS: Water projects that will require state funding or need state support for grant or loan funding must be included on the State Water Facilities Plan (facilities plan). The Board of Water and Natural Resources annually approves projects to be placed on the facilities plan and provides for quarterly amendment of projects onto the facilities plan. The department received 12 applications during the normal application cycle requesting amendment onto the facilities plan.

David Ryan noted that projects approved for amendment onto the 2005 State Water Facilities Plan remain on the plan for the balance of calendar years 2005 and 2006. Placement on the facilities plan is contingent upon applicants meeting with department staff. The board may waive the meeting requirement for projects. Placement of a project on the facilities plan is not a guarantee of funding.

Mr. Ryan presented the applications requesting amendment onto the facilities plan.

The city of Arlington requested amendment onto the 2005 facilities plan for a storm sewer project. Staff recommended amending the project onto the facilities plan contingent upon the city meeting with DENR.

<u>The BDM Rural Water System</u> requested amendment onto the 2005 facilities plan for a water system distribution system expansion project. Staff recommended amending the project onto the facilities plan and waiving the meeting requirement.

<u>The city of Corsica</u> requested amendment onto the 2005 facilities plan for wastewater collection system improvements. Staff recommended amending the project onto the facilities plan contingent upon the city meeting with DENR.

<u>The city of Crooks</u> requested amendment onto the 2005 facilities plan for wastewater treatment improvements. Staff recommended amending the project onto the facilities plan and waiving the meeting requirement.

<u>The city of Kimball</u> requested amendment onto the 2005 facilities plan for water distribution and sanitary sewer improvements. Staff recommended amending the project onto the facilities plan contingent upon the city meeting with DENR.

<u>The Longview Sanitary District</u> requested amendment onto the 2005 facilities plan for the construction of a water distribution system. Staff recommended amending the project onto the facilities plan and waiving the meeting requirement.

<u>The city of Philip</u> requested amendment onto the 2005 facilities plan for street, storm and sanitary sewer rehabilitation. Staff recommended amending the project onto the facilities plan contingent upon the city meeting with DENR.

<u>Provo Township</u> requested amendment onto the 2005 facilities plan for water system rehabilitation. Staff recommended amending the project onto the facilities plan contingent upon meeting with DENR.

<u>The city of Sturgis</u> requested amendment onto the 2005 facilities plan for water and wastewater improvements. Staff recommended amending the project onto the facilities plan contingent upon meeting with DENR..

<u>The town of Toronto</u> requested amendment onto the 2005 facilities plan for wastewater improvements. Staff recommended amending the project onto the facilities plan contingent upon meeting with DENR.

<u>The Weston Heights Sanitary District</u> requested amendment onto the 2005 facilities plan for wastewater treatment improvements. Staff recommended amending the project onto the facilities plan and waiving the meeting requirement.

<u>The city of Woonsocket</u> requested amendment onto the 2005 facilities plan for water system improvements. Staff recommended amending the project onto the facilities plan contingent upon the city meeting with DENR.

Motion by Bollweg, seconded by Rounds, to accept the staff recommendations and amend the following projects onto the 2005 State Water Facilities Plan: city of Arlington - storm sewer

project; BDM Rural Water System - water system distribution system expansion; city of Corsica - wastewater collection system improvements; city of Crooks - wastewater treatment improvements; city of Kimball - water distribution and sanitary sewer improvements; Longview Sanitary District - construction of a water distribution system; city of Philip - street, storm and sanitary sewer rehabilitation; Provo Township - water system rehabilitation; city of Sturgis - water and wastewater improvements; town of Toronto - wastewater improvements; Weston Heights Sanitary District - wastewater treatment improvements; and city of Woonsocket - water system improvements. Motion carried.

AMEND FFY 2005 CLEAN WATER INTENDED USE PLAN (IUP): The FFY 2005 Clean Water IUP was approved by the board in November 2004 and amended in January and March 2005.

Mike Perkovich reported that the department proposed to transfer the entire \$118,860 of unused auction barn planning grant funds to the design of manure management systems for concentrated animal feeding operations. This will increase the amount available for this purpose from \$580,000 to \$698,860.

The department also proposed to amend Attachment I - Project Priority List by adding the following:

Priority Points	Loan Recipient	Project Description	Est. Loan Amount	Expected Loan Rate & Term
16	Crooks	Construction of 32,500 feet of pipe to convey partially treated wastewater to the city of Sioux Falls for final treatment.	\$750,000	3.25%, 20 yrs.
12	Weston Heights San. Dist.	Construction of an additional cell at the wastewater treatment facility to avoid unauthorized discharges.	\$425,000	3.25%, 20 yrs.
10	Corsica	Replacement of approximately 9,000 feet of sewer that is experiencing excessive inflow and infiltration.	\$200,000	3.25%, 20 yrs.
9	Toronto	Installation of approximately 16,500 feet of sewer lines and 32 manholes to address excessive inflow and infiltration and improvements to the wastewater treatment facility.	\$430,000	3.25%, 20 yrs.
6	Arlington	Installation of approximately 1,600 feet of storm sewer pipe, 240 feet of sanitary sewer, 3,000 feet of curb and gutter, and appurtenances.	\$370,000	3.25%, 20 yrs.
6	Kimball	Construction of a new lift station and force main to improve capacity.	\$100,000	3.25%, 20 yrs.
6	Philip	Installation of storm sewer, curb and gutter, and appurtenances in conjunction with a street resurfacing project.	\$350,000	3.25%, 20 yrs.

Motion by Kennedy, seconded by Jones, to amend the FFY 2005 Clean Water SPY Intended Use Plan as presented. Motion carried.

AMEND FFY 2005 DRINKING WATER IUP: The FFY 2005 Drinking Water IUP was approved by the board in November 2004 and amended in January and March 2005.

Mr. Perkovich reported that the department proposed amending the IUP by adding the following to Attachment I - Project Priority List.

D : '/	Community/	D 1 4		Expected
Priority		Project	Est. Loan	
Points	System	Description	Amount	& Term
18	Wolsey	Problem: the city's water system is old and	\$263,000	3.25%, 20
		deteriorating. Project: replace portions of the		yrs.
		distribution system and piping at a well house.		
16	Mobridge	Problem: dead-end lines exist in the southeast	\$100,000	3.25%, 20
		corner of the city. Project: install approximately		yrs.
		6,300 feet of water line to loop the system and		
		provide service to homes within the area not		
		currently being served by the city.		
9	Woonsocket	Problem: a portion of the city's distribution	\$345,000	3.25%, 20
		system is old and experiencing unacceptable		yrs.
		leakage. Project: replace approximately 4,460		
		feet of asbestos cement pipe and 700 feet of cast		
		iron pipe with PVC to complete a total		
		replacement of the distribution system.		

Motion by Jones, seconded by Rounds, to amend the FFY 2005 Drinking Water SPY Intended Use Plan as presented. Motion carried.

CONSOLIDATED WATER FACILITIES CONSTRUCTION PROGRAM AMENDMENTS:

Jim Feeney reported that the department received four requests for amendment of existing consolidated grants. Two of the amendment requests, Aurora-Brule RWS and Crooks, are for additional funding and would be considered with the other consolidated funding requests later in the meeting.

In January 2005, the board awarded a \$25,000 consolidated grant to the town of Humboldt for the replacement of a treated water pump enclosure. In June 2005, Humboldt notified the department that they wished to relinquish the grant and consider alternative solutions for the project.

Staff recommended the board approve a motion rescinding the \$25,000 consolidated grant to the town of Humboldt.

Motion by Wheeler, seconded by Kennedy, to adopt Resolution #2005-56 rescinding Consolidated Program Grant #2005G-401 awarded to the town of Humboldt on January 7, 2005. Motion carried.

In September 2003, the board awarded a \$50,000 grant to the city of Yankton for the purpose of relocating a 15-inch sanitary sewer to accommodate the Alcoa manufacturing plant expansion. The grant reimbursement was limited to 29.1% of eligible costs not to exceed \$50,000. The

project is nearing completion and based on the final cost and the current reimbursement percentage, the city cannot draw the entire \$50,000. The city requested an increase in the grant percentage from 21.9% to 32.0%.

Staff recommended approval of the grant percentage increase.

Motion by Johnson, seconded by Jones, to adopt Resolution #2005-57 approving increasing the Consolidated Program Grant #2004G-305 grant percentage for the city of Yankton from 29.1 percent not to exceed \$50,000 to 32.0 percent not to exceed \$50,000. Motion carried.

CONSOLIDATED WATER FACILITIES CONSTRUCTION PROGRAM FUNDING APPLICATIONS: Jim Feeney reported that \$2,916,100 is available for this funding round. The department received six new consolidated funding applications and two applications requesting a grant increase. The department recommendations to the board for this funding round total \$1,308,200. If the board accepts the staff's funding recommendations, \$1,607,900 will be available for subsequent funding rounds.

Mr. Feeney noted that the administrative rules require the board to wait a minimum of 12 hours from the time the new applications are presented before making funding decisions. The board made funding decisions the following morning.

The Aurora-Brule RWS requested an increase to its existing \$150,000 consolidated grant, #2005G-101, which was awarded in March 2004 for water treatment plant improvements. The rural water system requested an additional \$340,000 in consolidated grant funding. The estimated total project cost has increased to \$2,739,274.

Staff recommended rescinding grant #2005G-101 in the amount of \$150,000 and awarding a new grant in the amount of \$300,000 to Aurora-Brule RWS. Mr. Feeney noted that in addition to consolidated funding, the funding package for this project also includes \$714,710 in Rural Development grant funds, \$1,295,626 in Rural Development loan funds, and \$238,938 in local cash.

Wade Blasius, manager of Aurora-Brule RWS, discussed the project and requested board approval of consolidated grant funding.

<u>The city of Britton</u> requested a \$293,000 consolidated grant to extend water, sewer, and streets to a new housing development. The estimated total project cost is \$715,000.

Staff recommended awarding a grant up to \$150,000. Mr. Feeney noted that the recommended grant will fully fund the water portion of the project and provide about \$40,000 toward the wastewater portion of the project. The wastewater fund, as detailed in the application, is projected to have an annual operating surplus of \$18,000, which could leverage about \$250,000 in SPY loan funds.

Tom Farber and Steve Dahlstrum, Britton Economic Development Corporation, discussed the project and requested approval of a \$293,000 consolidated grant.

The town of Chancellor requested a \$200,000 consolidated grant for water system improvements. The estimated total project cost is \$356,010.

Staff recommended awarding a grant up to \$125,000. Mr. Feeney noted that Chancellor qualifies for a disadvantaged SRF loan at 3.25% interest for a 30-year term. Staff analysis shows that Chancellor can finance the balance of the project with an SPY loan at its current rates.

Dennis Wicker, town board president, discussed the project and requested approval of Chancellor's funding request.

<u>The city of Colton</u> requested a \$100,000 consolidated grant for a wastewater treatment improvement project. The estimated total project cost is \$275,000.

Staff recommended awarding a grant up to \$50,000. Mr. Feeney stated that the application indicates that the wastewater utility has more than \$200,000 in reserves and is projecting an annual operating surplus of \$28,000. Staff believes Colton has the financial capability to finance the balance of the project.

Gail DeJong, administrator for the city of Colton, discussed the project and requested board approval of the city's funding request.

The city of Crooks requested a \$100,000 increase to its existing \$100,000 grant, #2004G-403, which was awarded in January 2004, for water distribution system improvements. The city also requested an increase to the grant percentage from 12.2 percent to 18.1 percent. The estimated total project cost has increased from \$952,900 to \$1,108,000.

Staff recommended approving an additional \$100,000 in consolidated funding and increasing the grant percentage to 18.1 percent.

Linda Hunnel, finance officer, discussed the project and requested board approval of funding.

<u>Pine Cliff Park Water & Maintenance, Inc.</u> requested a \$148,200 consolidated grant for water distribution system improvements: The estimated total project cost is \$418,827.

Staff recommended awarding a grant up to \$148,200.

Vicki Franzen, president of Pine Cliff Park Water & Maintenance, Inc., requested board approval of funding.

<u>Terry-Trojan Water Project District</u> requested a \$100,000 consolidated grant and a \$96,653 consolidated loan for a water treatment, distribution, and storage project. The estimated total project cost is \$221,653.

Staff recommended awarding a \$100,000 grant and a \$100,000 loan at 5% interest for a 20-year term.

Linda Derosier, chair of the water project district, discussed the project and requested board approval of funding.

<u>TM Rural Water District</u> requested a \$385,000 consolidated grant for individual service to the residents of Monroe. The estimated total project cost is \$645,700.

Staff recommended awarding a grant up to \$385,000.

Leon Schoenwald and Gene Berg, city of Monroe, requested board approval of funding.

SOLID WASTE MANAGEMENT PROGRAM FUNDING APPLICATIONS: David Ryan presented the Solid Waste Management Program funding applications. He noted that \$745,445 is available for disposal and recycling activities. By administrative rule, the board is required to wait at least 12 hours, but can take up to 120 days, after being presented with the grant applications to make funding decisions. The board made funding decisions the following day of the meeting.

<u>Millennium Recycling</u> requested a \$250,000 solid waste grant and a \$533,538 solid waste loan for the purchase of recycling equipment. The estimated total project cost is \$883,538.

Staff recommended awarding a grant up to \$200,000. Mr. Ryan noted that the amount of funding requested is not available.

Jake Anderson, president of Millennium Recycling, discussed the project and requested approval of funding.

<u>The city of Winner</u> requested a \$40,000 solid waste grant for a waste tire cleanup project. The estimated total project cost is \$63,750.

Staff recommended awarding a grant up to \$32,000.

Tom Farnsworth, city administrator, discussed the project and requested approval of funding.

SOUTHERN BLACK HILLS WATER SYSTEM SWRMS REQUEST: David Ryan reported that as part of the 2005 Omnibus Bill, \$100,000 was appropriated to the Black Hills Hydrology and Water Management Study. Those funds were specifically earmarked for the development and feasibility studies of regional water systems in the Black Hills area. In 2004, \$100,000 was appropriated and placed under agreement with the Fall River Water Users District to initiate the Southern Black Hills Water System feasibility study for regional water supply. At this time, the study encompasses an area covering southern Pennington, Custer, and Fall River counties. A preliminary feasibility study has been completed and is currently under review by DENR.

The Southern Black Hills Water System has requested that \$66,000 of the \$100,000 appropriation be placed under agreement to continue studying the feasibility of a Southern Black Hills Water System project.

Staff recommended placing \$50,000 of the \$100,000 appropriation under agreement. Mr. Ryan noted that staff would like to reserve the remaining \$50,000 for the possible pursuit of a Northern Black Hills Water System study.

Michael McMahon, secretary, Southern Black Hills Water System, Inc., and Carl Oberlitner, mayor of Hot Springs, discussed the project and requested board approval of funding.

Motion by Jones, seconded by Kennedy, to adopt Resolution #2005-58 approving the South Dakota Water and Environment Fund grant agreement in the amount of \$50,000 between the state and Southern Black Hills Water System, Inc. for the purpose of investigating the potential of providing high quality water to residents and communities in southern Pennington, Custer and Fall River counties in South Dakota. Motion carried.

<u>CLEAN WATER STATE REVOLVING FUND (SRF) APPLICATIONS</u>: Mr. Feeney presented a handout showing approximately \$8,600,000 available for Clean Water SRF loans.

Bridgewater Clean Water SRF Loan Application: Hayes Haas reported that Bridgewater applied for a Clean Water SRF loan to replace several sections of vitrified clay pipe sewer lines and install a new interceptor line on the south side of town. Portions of the city's current sanitary sewer system were installed 80 to 90 years ago and are deteriorating. Construction of the south side interceptor will enable the city to serve residences that currently are not served by the city's wastewater collection system.

Dave Ruhnke reported that the city applied for a \$321,600 loan at 3.25% interest for 20 years. The city has pledged wastewater revenues toward repayment of the loan. Debt coverage after project completion is estimated to be 115%, which exceeds the 110% requirement.

Staff recommended approval of a \$321,600 Clean Water SRF loan contingent upon the city passing a resolution authorizing the sale of the bond and the resolution becoming effective.

Ron Pringle, mayor of Bridgewater, discussed the project and requested approval of the SRF loan.

Motion by Rounds, seconded by Jones, to adopt Resolution #2005-59 approving the Clean Water State Revolving Fund loan up to a maximum commitment amount of \$321,600 at 3.25% interest for a term of 20 years to the city of Bridgewater for improvements to its existing sanitary sewer system and to install a new interceptor line, and authorizing the Chairman and Secretary of the Board of Water and Natural Resources to execute the loan agreement, to accept and assign the Local Obligation to the Trustee, and to execute and deliver such other documents and perform all acts necessary to effectuate the loan approved in accordance with all terms as set forth in the Indenture of Trust. The loan is contingent upon the city passing a resolution authorizing the sale of the bond and the resolution becoming effective. Motion carried.

<u>Redfield Clean Water SPY Loan Application</u>: Jim Anderson reported that Redfield applied for a Clean Water SRF loan to construct approximately 250 feet of 12-inch PVC sanitary sewer, sanitary service lines, and 1,000 feet of 18-inch PVC storm sewer, drop inlets, manholes, and

appurtenances. The sanitary and storm sewer projects will replace aging infrastructure and improve the drainage to the Main Street area of the city.

Elayne Lande reported that the city applied for a \$333,788 loan at 3.25% interest for 20 years. The city has pledged wastewater revenues toward repayment of the loan. Debt coverage after project completion is estimated to be 295%, which exceeds the 110% requirement.

Staff recommended approval of a \$333,788 Clean Water SPY loan contingent upon the city passing a resolution authorizing the sale of the bond and the resolution becoming effective.

Richard Gallup, Redfield city commission, discussed the project and requested approval of the SRF loan.

Motion by Kennedy, seconded by Wheeler, to adopt Resolution #2005-60 approving the Clean Water State Revolving Fund loan up to a maximum commitment amount of \$333,788 at 3.25% interest for a term of 20 years to the city of Redfield for the construction of sanitary sewer, sanitary service lines, storm sewer, drop inlets, manholes, and appurtenances, and authorizing the Chairman and Secretary of the Board of Water and Natural Resources to execute the loan agreement, to accept and assign the Local Obligation to the Trustee, and to execute and deliver such other documents and perform all acts necessary to effectuate the loan approved in accordance with all terms as set forth in the Indenture of Trust. The loan is contingent upon the city passing a resolution authorizing the sale of the bond and the resolution becoming effective. Motion carried.

<u>Salem Clean Water SRF Loan Application</u>: Hayes Haas reported that Salem applied for a Clean Water SRF loan to install storm sewer lines on Essex Avenue and George Street, replace water mains on Nebraska Street and on one block of Essex Street, repair water mains on one block of Essex Street, install new sanitary sewer, including a lift station, south of Highway 38 that will serve several existing businesses.

Dave Ruhnke reported that the city applied for a \$387,960 loan at 3.25% interest for 20 years. The city has pledged wastewater revenues toward repayment of the loan. Debt coverage after project completion is estimated to be 124%, which exceeds the 110% requirement.

The city received a \$50,000 consolidated grant for this project in March 2005.

Staff recommended approval of a \$387,960 Clean Water SRF loan contingent upon the city passing a resolution authorizing the sale of the bond and the resolution becoming effective.

Lori Heumiller, finance officer, discussed the project and requested approval of the SPY loan.

Motion by Bollweg, seconded by Rounds, to adopt Resolution #2005-61 approving the Clean Water State Revolving Fund loan up to a maximum commitment amount of \$387,960 at 3.25% interest for a term of 20 years to the city of Salem to install storm sewer lines on Essex Avenue and George Street, replace water mains on Nebraska Street and on one block of Essex Street, repair water mains on one block of Essex Street, install new sanitary sewer, including a lift station, south of Highway 39, and authorizing the Chairman and Secretary of the Board of Water

and Natural Resources to execute the loan agreement, to accept and assign the Local Obligation to the Trustee, and to execute and deliver such other documents and perform all acts necessary to effectuate the loan approved in accordance with all terms as set forth in the Indenture of Trust. The loan is contingent upon the city passing a resolution authorizing the sale of the bond and the resolution becoming effective. Motion carried.

<u>DRINKING WATER STATE REVOLVING FUND (SRF) APPLICATIONS</u>: Mr. Feeney presented a handout showing approximately \$12,000,000 available for Drinking Water SRF loans.

<u>Clay RWS Drinking Water SRF Loan Application</u>: Gayleen Lowe reported that the Clay RWS applied for a Drinking Water SRF loan for the South Union County expansion project. The project involves the purchase and rehabilitation of a water treatment system and the construction of distribution lines serve 90 rural residents and several housing developments in southern Union County. In addition, about 20 rural users around Elk Point will be added to the main Clay RWS system.

Components of the South Union subsystem include the purchase of the Wynstone housing development's water treatment plant and distribution system, upgrading the Wynstone plant to provide additional capacity and enhanced treatment, and the construction of distribution lines and an elevated storage tank. The plant upgrade will provide additional filtration capacity and removal of hardness and total dissolved solids by reverse osmosis.

Elayne Lande stated that the rural water system requested approval of a \$3,631,000 Drinking Water SRF loan at the disadvantaged rate of 3.25% interest for 30 years. The rural water system is pledging system water revenues toward repayment of the loan. Debt coverage after project completion is estimated to be 200%, which exceeds the 110% requirement.

The rural water system received a \$500,000 consolidated grant, a \$412,000 Community Development Block Grant, and has committed \$170,000 in local cash for the project.

Staff recommended approval of the loan contingent upon Clay RWS passing a resolution approving the form of the loan agreement, the promissory note, and the pledge of system revenues as repayment for the loan, contingent upon a parity agreement being approved and executed by the other debtors, and contingent upon the environmental review process being completed.

Greg Merrigan, manager of the Clay RWS, discussed the project and answered questions from the board.

Motion by Kennedy, seconded by Rounds, to adopt Resolution #2005-62 approving the Drinking Water State Revolving Fund loan up to a maximum commitment amount of \$3,631,000 at 3.25% interest for a term of 30 years to the Clay Rural Water System for the South Union County expansion project, and authorizing the Chairman and Secretary of the Board of Water and Natural Resources to execute the loan agreement, to accept and assign the Local Obligation to the Trustee, and to execute and deliver such other documents and permit all acts necessary to effectuate the loan approved in accordance with all terms as set forth in the Indenture of Trust.

The loan is contingent upon Clay RWS adopting a resolution approving the form of the loan agreement, promissory note, and the pledge of system revenues as repayment for the loan, contingent upon a parity agreement being approved and executed by the other debtors, and contingent upon the environmental review process being completed. Motion carried. Jones abstained from voting.

<u>Brookings-Deuel RWS Drinking Water SRF Loan Application</u>: Eric Meintsma reported that the Brookings-Deuel RWS applied for a Drinking Water SRF loan to construct additional pipeline and add new rural customers, and to provide individual service to the residents of Astoria. Construction will include about 70 miles of new pipeline and a booster station.

Dave Ruhnke stated that the rural water system requested approval of a \$1,750,000 Drinking Water SRF loan at the disadvantaged rate of 3.25% interest for 30 years. The rural water system is pledging system water revenues toward repayment of the loan. Debt coverage after project completion is estimated to be 123%, which exceeds the 110% requirement.

Brookings-Deuel RWS received a \$150,000 consolidated grant for the project.

Staff recommended approval of the loan contingent upon Brookings Deuel RWS passing a resolution approving the form of the loan agreement, the promissory note, and the pledge of system revenues as repayment for the loan, contingent upon a parity agreement being approved and executed by the other debtors, and contingent upon the environmental review process being completed.

Pat Gilligan, manager of the Brookings-Deuel RWS, discussed the project and answered questions from the board.

Motion by Rounds, seconded by Bollweg, to adopt Resolution #2005-63 approving the Drinking Water State Revolving Fund loan up to a maximum commitment amount of \$1,750,000 at 3.25% interest for a term of 30 years to the Brookings-Deuel Rural Water System for the construction of additional pipeline, addition of new rural customers, and to provide individual service to the residents of Astoria, and authorizing the Chairman and Secretary of the Board of Water and Natural Resources to execute the loan agreement, to accept and assign the Local Obligation to the Trustee, and to execute and deliver such other documents and permit all acts necessary to effectuate the loan approved in accordance with all terms as set forth in the Indenture of Trust. The loan is contingent upon Brookings-Deuel RWS adopting a resolution approving the form of the loan agreement, promissory note, and the pledge of system revenues as repayment for the loan, contingent upon a parity agreement being approved and executed by the other debtors, and contingent upon the environmental review process being completed. Motion carried.

Wolsey Drinking Water SRF Loan Application: Gayleen Lowe reported that the town of Wolsey applied for a Drinking Water SRF loan to finance the replacement of it water distribution system. The project will involve replacing about 36 blocks of water main. The system is in poor condition with cast iron mains installed in about 1920, asbestos-cement mains installed prior to 1942, non-operational valves, undersized mains, and dead-end lines. The town had positive samples for bacterial contamination in 2000 and 2003.

Elayne Lande stated that Wolsey requested approval of a \$263,000 Drinking Water SRF loan at 3.25% interest for 20 years. The city is pledging sales tax revenue toward repayment of the loan. Debt coverage after project completion is estimated to be 362%, which exceeds the 120% requirement.

The town received a \$100,000 consolidated grant and a \$257,500 Community Development Block Grant for this project.

Staff recommended approval of the loan contingent upon the town of Wolsey passing a resolution authorizing the sale of the bond and the resolution becoming effective.

Ted Dickey, Northeast Council of Governments, requested approval of the loan.

Motion by Kennedy, seconded by Rounds, to adopt Resolution #2005-64 approving the Drinking Water State Revolving Fund loan up to a maximum commitment amount of \$263,000 at 3.25% interest for a term of 20 years to the town of Wolsey for the replacement of its water distribution system, and authorizing the Chairman and Secretary of the Board of Water and Natural Resources to execute the loan agreement, to accept and assign the Local Obligation to the Trustee, and to execute and deliver such other documents and permit all acts necessary to effectuate the loan approved in accordance with all terms as set forth in the Indenture of Trust. The loan is contingent upon the town of Wolsey passing a resolution authorizing the sale of the bond and the resolution becoming effective. Motion carried.

<u>Salem Drinking Water SPY Loan Application</u>: Hayes Haas reported that the city of Salem applied for a Drinking Water SRF loan to replace about 1,700 feet of old four-inch cast iron pipe with six inch PVC on Nebraska Street along with other applicable appurtenances.

Dave Ruhnke stated that Salem requested approval of a \$348,540 Drinking Water SRF loan at 3.25% interest for 20 years. The city is pledging system water revenue toward repayment of the loan. Debt coverage after project completion is estimated to be 313%, which exceeds the 110% requirement.

The city received a \$50,000 consolidated grant for this project.

Staff recommended approval of the loan contingent upon the city of Salem passing a resolution authorizing the sale of the bond and the resolution becoming effective.

Motion by Jones, seconded by Bollweg, to adopt Resolution #2005-65 approving the Drinking Water State Revolving Fund loan up to a maximum commitment amount of \$348,540 at 3.25% interest for a term of 20 years to the city of Salem for the replacement of its water distribution system, and authorizing the Chairman and Secretary of the Board of Water and Natural Resources to execute the loan agreement, to accept and assign the Local Obligation to the Trustee, and to execute and deliver such other documents and permit all acts necessary to effectuate the loan approved in accordance with all terms as set forth in the Indenture of Trust. The loan is contingent upon the city of Salem passing a resolution authorizing the sale of the bond and the resolution becoming effective. Motion carried.

<u>Redfield Drinking Water SPY Loan Application</u>: Jim Anderson reported that the city of Redfield applied for a Drinking Water SRF loan to replace about 2,250 feet of 10-inch water main, gate valves, service lines, and appurtenances. The project will replace aging infrastructure and provide looping to the city's water system.

Elayne Lande stated that the city of Redfield requested approval of a \$342,755 Drinking Water SRF loan at the disadvantaged rate of 2.5% interest for 30 years. The city is pledging system water revenue toward repayment of the loan. Debt coverage after project completion is estimated to be 456%, which exceeds the 110% requirement.

The city received a \$50,000 consolidated grant for this project.

Staff recommended approval of the loan contingent upon the city of Redfield passing a resolution authorizing the sale of the bond and the resolution becoming effective.

Richard Gallup, Redfield city commission, discussed the project and requested approval of the SRF loan.

Motion by Bollweg, seconded by Rounds, to adopt Resolution #2005-66 approving the Drinking Water State Revolving Fund loan up to a maximum commitment amount of \$342,755 at the disadvantaged rate of 2.5% interest for a term of 30 years to the city of Redfield for the construction of water main, gate valves, service lines, and appurtenances, and authorizing the Chairman and Secretary of the Board of Water and Natural Resources to execute the loan agreement, to accept and assign the Local Obligation to the Trustee, and to execute and deliver such other documents and permit all acts necessary to effectuate the loan approved in accordance with all terms as set forth in the Indenture of Trust. The loan is contingent upon the city of Redfield passing a resolution authorizing the sale of the bond and the resolution becoming effective. Motion carried.

ACME PALLET SOLID WASTE MANAGEMENT AMENDMENT REQUEST: David Ryan reported that in July 2002, the board awarded a \$125,000 Solid Waste Management Program loan to Chuck Weiss dba Acme Pallet for the purchase and installation of pallet recycling equipment, including a wood grinder, conveyor, overhead storage bin, electrical generator, and other pallet recycling equipment.

Mr. Ryan stated that Mr. Weiss' original request was for a \$150,000 grant. BankWest reviewed the application, and the decision was made to recommend awarding a loan, rather than a grant.

Acme Pallet has used all the loan proceeds. In April 2003, the project was completed and a UCC-1 on the equipment was filed with the Secretary of State. In December 2003, Acme Pallet paid the interim interest that had accrued on the loan, and the first principal and interest payment date of June 1, 2004 was established. At that time, Mr. Weiss contacted the department and indicated that he was going to have difficulty making the payment, and he requested loan forgiveness on the entire \$125,000. Mr. Weiss made the first payment in September 2004. At the September 2004 board meeting, Mr. Weiss requested loan forgiveness from the board. The board chose not to make a decision on the request at that time, but instead requested additional information. The board authorized the department to perform a second financial review on the

financial standing of Acme Pallet. The department contracted with South Eastern Council of Governments (SECOG) to perform the financial review. The financial review was sent to the board prior to this (June 23-24, 2005) meeting. The board approved a payment deferral until January 31, 2005, for Acme Pallet. To date, the second principal and interest payment has not been received.

Mr. Ryan stated that the request for loan forgiveness is still pending before the board. Based on the review performed by SECOG, the options on this loan range from foreclosure to forgiving a portion of the loan or forgiving the entire loan. An additional matter the department asked SECOG to review was the deferral of payment for a period of time.

Staff recommended that the board defer payments on this loan for 2005 and 2006, without additional accrued interest incurred to the loan. The deferral of payments is contingent upon Mr. Weiss agreeing that the payments be added to the end of the loan as a balloon payment, and contingent upon Mr. Weiss agreeing to provide the department with quarterly updates on his financial situation. If approved, Mr. Weiss' next payment will be due July 1, 2007.

Chuck Weiss requested that the board convert the \$125,000 loan to a grant.

Motion by Johnson, seconded by Rounds, to adopt Resolution #2005-67 approving the deferral of principal and interest payments due from Acme Pallet, Inc. for calendar years 2005 and 2006, without accrual of late interest fees, and waiving any interest charges which would otherwise accrue on the deferred payments during the period of deferral of the payments due in 2005 and 2006, provided that Acme Pallet, Inc. is required to make the deferred payments as part of its final payment under the Solid Waste Management Program Loan Agreement, Form of Promissory Note for such waiver to be effective, and provided that Acme Pallet, Inc. provide the department with quarterly reports regarding the company's financial plan and business plan. Motion carried.

DRINKING WATER SRF SMALL SYSTEM SET-ASIDE CONTRACT AMENDMENT:

David Ryan reported that in 1997 the board approved the establishment of the Small System Technical Assistance Set-Aside Program. The board authorized the Secretary of the department to negotiate and execute technical assistance contracts with the South Dakota Association of Rural Water Systems (SDARWS) and the planning districts.

In November 2003 the board approved the negotiation of a new contract with SDARWS. The contract terminates on December 31, 2005, and has a remaining balance of \$3,000.

SDARWS has requested that additional funding in the amount of \$125,000 be added to the contract, and a one-year time extension be made to the contract to allow them to continue the small system technical assistance provided by this contract.

Mr. Ryan stated that currently the Drinking Water SRF small system technical assistance set-aside program has a remaining balance of more than \$265,000 available to obligate for technical assistance.

Staff recommended approving a contact amendment with the South Dakota Association of Rural Water Systems to extend the contract termination date to December 31, 2006, and to increase the contract amount by \$125,000.

Motion by Rounds, seconded by Wheeler, to adopt Resolution #2005-68 approving a second amendment to the Drinking Water SRF set-aside contract for small system technical assistance between the state and the South Dakota Association of Rural Water Systems by extending the contract termination date to December 31, 2006, and increasing the total funding available for activities under the terms of the original contract by providing up to an additional \$125,000. Motion carried. Kennedy abstained from voting.

SRF LOAN AGREEMENT AMENDMENTS: In November 2004 the board approved amendment to the Administrative Rules of South Dakota to revise the accounting procedures for communities and other entities that receive SRF loan funding. The new rules allow recipients to maintain their financial records according to the Governmental Accounting Standards Board (GASB), the Financial Accounting Standards Board (FASB), or an Other Comprehensive Basis of Accounting (OCBOA). The loan recipients are allowed to have an audit performed and submitted to the department only when state or federal law requires. The Board of Water and Natural Resources also approved modification of Section 2.2(f) of the standard SRF loan agreement to implement those changes for future SRF borrowers. At the time, all existing borrowers were given the opportunity to revise their current loan agreements to implement this change if they felt it would be in their best interest.

In January 2005, the board approved a new definition for Net Revenues Available for Debt Service. The new definition allows the borrowers to include certain income in computing debt coverage that was excluded under the old definition. The new definition was effective for loans made in January 2005 and all subsequent future loans. This creates an inequity in the computation of debt coverage for those borrowers who received loans under the old definition and have now received loans under the new definition.

Elayne Lande presented the following amendment requests to SRF loan agreements.

<u>Fall River Water Users District Definition of Net Revenues Available for Debt Service</u>: The Fall River Water Users District requested that the board amend the definition of Net Revenues Available for Debt Service for its Drinking Water SRF loan.

Fall River Water Users District currently has two outstanding Drinking Water SRF loans, both of which are in repayment. Because of extraordinary personnel expenses in 2004, Fall River Water Users District's rate coverage covenant shows substantially less than the 110% required by the board and the loan agreement. Prior to 2004, the coverage covenant was acceptable. Fall River Water Users District anticipates requesting another SPY loan in the future.

Fall River Water Users District has requested that its Definition of Net Revenues Available for Debt Service for the first two loans be amended to include fees and interest income that up to now have not been allowed. If another SRF loan is awarded to Fall River Water Users District, all of its loans will have the same Definition of Net Revenues Available for Debt Service.

Bond Counsel was retained to prepare the amendment for the water users district's request, with the advice of Harold Deering from the Attorney General's Office.

Staff recommended approval of the request to amend the Definition of Net Revenues Available for Debt Service for Fall River Water Users District's two SRF loans.

Motion by Kennedy, seconded by Rounds, to adopt Resolution #2005-69 approving the amendment of Definition of Net Revenues Available for Debt Service for Fall River Water Users District's two SRF loans. Motion carried.

City of Bryant Amendment of Section 2.2(f), Financial Information: The city of Bryant requested that its Drinking Water SRF loan be amended to incorporate the new accounting and audit requirements for SRF loans. Because of some confusion surrounding the type of audit that was required by the city, Bryant bypassed the opportunity to amend its loan agreement when it was given a chance in November 2004. Prior to those amendments, each recipient was required to submit an audit every year, whether it was done annually or biannually. Bryant has never submitted a financial audit, although it has always submitted the balance of the requested documentation in a timely manner. Because Bryant rarely receives the required income and revenue that would trigger a state or federal audit, and because of the relatively high cost of conducting an audit, Bryant requested amendment of Section 2.2(f) of its Drinking Water SRF loan agreement. When the rules were changed in November 2004 and borrowers were given the opportunity to amend, bond counsel was not required to be involved. Harold Deering, Attorney General's Office, prepared the documents in cooperation with DENR staff. Mr. Deering also assisted in the preparation of documents to amend Bryant's loan.

Staff recommended approval of the city of Bryant's request to amend its existing Drinking Water SRF loan for Section 2.2(f), Financial Information.

Motion by Jones, seconded by Wheeler, to adopt Resolution #2005-70 approving the amendment of the audit provisions of the city of Bryant's Drinking Water SPY loan agreement. Motion carried.

<u>2005 SRF BOND ISSUE</u>: Jim Feeney provided information on the 2004 bond issue and the upcoming 2005 bond issue.

The Conservancy District is preparing to issue leveraged bonds to meet the demands of the Clean Water and Drinking Water SRF programs. The Conservancy District will need to contract with consultants to provide the services of Bond Counsel, Trustee, and Financial Advisor.

The board subcommittee, which consisted of Chairman Johnson, Gene Jones, and Dale Kennedy, recommended contracting with Bruce Bonjour with Perkins Coie as bond counsel, the First National Bank in Sioux Falls as Trustee, and Public Financial Management as financial advisor for the bond issue.

Motion by Rounds, seconded by Kennedy, to adopt Resolution #2005-71 approving a contract for up to \$50,000 for legal services with Bruce Bonjour to serve as bond counsel for the South Dakota Conservancy District for the 2005 bond issue. Motion carried.

Motion by Jones, seconded by Wheeler, to adopt Resolution #2005-72 approving a consultant contract for up to \$38,000 with Public Financial Management, Inc. to serve as financial advisor to the South Dakota Conservancy District for the 2005 bond issue. Motion carried.

Motion by Kennedy, seconded by Bollweg, to adopt Resolution #2005-73 approving a consultant contract for up to \$12,000 with the First National Bank in Sioux Falls to serve as trustee to the South Dakota Conservancy District for the 2005 bond issue. Motion carried.

Mr. Feeney provided the board with a copy of the Request for Proposals (RFP) for investment banking services for the Clean Water and Drinking Water SRF 2005 bond issue. The RFP was released electronically on June 21, 2005, to ten firms. Proposals for senior manager or comanagers are due by the close of business on July 6, 2005. Copies of all proposals received will be distributed to the board members. Mr. Feeney noted that the board subcommittee will make the determination as to whether oral presentations/interviews will be conducted. The board will hold a conference call in late July to make the formal selection of investment banking firm(s), based on the recommendation of the board subcommittee and financial team.

WEST RIVER/LYMAN-JONES RWS DRINKING WATER SPY LOAN: Mr. Feeney reported that West River/Lyman-Jones' second Drinking Water SRF loan in the amount of \$8,000,000 was approved by the board in March 2005. The project scope was limited to the main line from the treatment plant near Ft. Pierre to Four Corners. The RWS would like to expand the scope to include the Moenville II service area. Since the SRF loan has not been closed, the project description can be adjusted to include both the main line and the distribution. No board action is required for this adjustment.

<u>UPDATE ON BROWNFIELDS SITE AND REVOLVING LOAN FUND GRANT</u>: Kim McIntosh distributed a list of Brownfields assessment and cleanup projects the department is currently working on. She noted that the Crow Creek Tribal Dorm project has been added to the Brownfields list.

The department received the State and Tribal Response Fund Brownfields grant award in the amount of \$899,703 for 2005-2008 from EPA. This money will be added to the existing grant.

Ms. McIntosh stated that the department applied to EPA for revolving loan funds and was unsuccessful in receiving this funding.

Ms. McIntosh noted that Leaking Underground Storage Tank Trust Funds are being used for Brownfields cleanups associated with Pierre and Brookings street projects.

BAD RIVER WATERSHED PROJECT PRESENTATION: Jerry Thelen, coordinator of the Bad River project, offered a PowerPoint presentation on the Bad River Watershed 319 project. This project was concluded in December 2004, and the final report is being prepared. The project results indicate that best management practices installed in the watershed have reduced the sediment load carried by the river to Lake Sharpe by about 40 percent.

<u>CONSOLIDATED WATER FACILITIES CONSTRUCTION PROGRAM FUNDING</u> <u>DECISIONS</u>: Mr. Feeney reviewed the consolidated funding applications and staff recommendations.

Motion by Kennedy, seconded by Bollweg, to adopt Resolution #2005-74 rescinding Consolidated Water Facilities Construction Program Grant Agreement #2005G-101 awarded on March 26, 2004, and approving the South Dakota Consolidated Water Facilities Construction Program grant agreement between the state and the Aurora-Brule Rural Water System for a grant up to 11.0% of approved total project costs and not exceeding \$300,000 for the purpose of making improvements to the water treatment plant. Motion carried.

Motion by Johnson, seconded by Rounds, to adopt Resolution #2005-75 approving the South Dakota Consolidated Water Facilities Construction Program grant agreement between the state and the city of Britton for a grant up to 28.0% of approved total project costs and not exceeding \$200,000 for a residential development project. Motion carried.

Motion by Rounds, seconded by Jones, to adopt Resolution #2005-76 approving the South Dakota Consolidated Water Facilities Construction Program grant agreement between the state and the town of Chancellor for a grant up to 35.2% of approved total project costs and not exceeding \$125,000 for a water distribution system improvements project. Motion carried.

Motion by Kennedy, seconded by wheeler, to adopt Resolution #2005-77 approving the South Dakota Consolidated Water Facilities Construction Program grant agreement between the state and the town of Colton for a grant up to 18.6% of approved total project costs and not exceeding \$50,000 for a wastewater treatment facility improvements project. Motion carried.

Motion by Rounds, seconded by Kennedy, to adopt Resolution #2005-78 approving an amendment to South Dakota Consolidated Water Facilities Construction Program grant agreement #2004G-403 between the state and the city of Crooks increasing the grant award by \$100,000 to \$200,000 and increasing the eligible grant percentage from 12.1 % to 18.1 % of approved total project costs. Motion carried.

Motion by Jones, seconded by Bollweg, to adopt Resolution #2005-79 approving the South Dakota Consolidated Water Facilities Construction Program grant agreement between the state and Pine Cliff Park Water and Maintenance Inc. for a grant up to 35.5% of approved total project costs and not exceeding \$148,200 for a water system improvements - Phase I project. Motion carried.

Motion by Wheeler, seconded by Bollweg, to adopt Resolution #2005-80 approving the South Dakota Consolidated Water Facilities Construction Program grant agreement between the state and Terry-Trojan Water Project District for a grant up to 45.6% of approved total project costs and not exceeding \$100,000 and to adopt Resolution #2005-81 approving the South Dakota Consolidated Water Facilities Construction Program Revenue Obligation loan agreement between the state and the Terry-Trojan Water Project District in the amount of up to \$100,000 at 5% interest for a term of 20 years for an arsenic removal, water storage, and distribution project. Motion carried.

Motion by Kennedy, seconded by Jones, to adopt Resolution #2005-82 approving the South Dakota Consolidated Water Facilities Construction Program grant agreement between the state and the TM Rural Water System for a grant up to 59.7% of approved total project costs and not exceeding \$385,000 for the town of Monroe individual service project. Motion carried.

<u>SOLID WASTE MANAGEMENT PROGRAM FUNDING DECISIONS</u>: David Ryan reviewed the applications and recommendations for funding.

Motion by Wheeler, seconded by Rounds, to adopt Resolution #2005-83 approving the South Dakota Solid Waste Management Program grant agreement between the state and Millennium Recycling for a grant up to 30.3% of approved total project costs and not exceeding \$200,000 for the purchase of recycling equipment. Motion carried.

Motion by Bollweg, seconded by Rounds, to adopt Resolution #2005-84 approving the South Dakota Solid Waste Management Program grant agreement between the state and the city of Winner for a grant up to 50.0% of approved total project costs and not exceeding \$32,000 for a waste tire pile cleanup project. Motion carried.

ELECTION OF OFFICERS: Motion by Kennedy, seconded by Rounds, to nominate and cast a unanimous vote for Brad Johnson as chairman. Motion carried.

Motion by Johnson, seconded by Jones, to nominate and cast a unanimous vote for Don Bollweg as vice chairman. Motion carried.

Motion by Rounds, seconded by Kennedy, to nominate and cast a unanimous vote for Kelly Wheeler as secretary. Motion carried.

OTHER BUSINESS: Mr. Feeney reminded the board that the board will hold a conference call in about a month to select an investment banking firm for the 2005 bond issue.

ADJOURN: Motion by Kennedy, seconded by Wheeler, that the meeting be adjourned. Approved this 22nd day of September, 2005.

and Natural Resources

(SEAL)

ATTEST:

hairman, Board of Water and Natural Resources

LOCATION Matthew Training Center - Pierre DATE _ UNe 23,2005 Name (PLEASE PRINT) Address Representing ichae Me Mahon 1412 Racine A RepidCity JBHW5 John Beard HC56 Box 101 Baffalo Gap S.B.H.W.S REBECCA Phillips BOX 298 HERMOSA SBHWS 5RHW5 SPN + Assoc mitchell BOWNE BOWNR 836/2 Cook, Custer SBHWS DENR Jamesteeney ievr-e are Templeto l'erve I have lbr TOWN Counsel Dennis Wieker Harker Mann Monroe Monroe Leon Schoenwald Monroe ARL OBERLITHER

	ATTENDANCE SHEET	ľ
DATE June 23	LOCATION Matthe	w Training Center-Pierre
Name (PLEASE PRINT)	Address	Representing
Jan Randby	Co/to~	(c/to~
David Ruhnke	Pierre	DENR
GRAN JONES JU.	3F, JD	BWNR.
Thule, Whiling	Roped City SD	Long lieu Santan
Doer Daniller	SALEM SID	City of Sylem
Tel Dudon	Aberdeen	NECOL
arin Ynutson	Aherdeen	Necoa
ENEG MENNIGIAN	Wolfa	CLAY RWS.
Brian Maxwell	Britton	City of Britton
Stere Dahlstown	Britten	Birton Econ-Div.
Tom Farber	Britton	Brittate De V. Corp
Linda Hunnel	Crooks	City of Crooks
Mike Perkouch	Pierle	DEMR
A. Haas	Previe	DENR
VIERT FRANZEN	BAPUS CIM, SD	Pine Buf Deat water - Mountenance.
Bill Lass	Rapid City SD	B.HCOLG'S
Elayne Lande	Pierre	DENR
Gayleen Lowe	Pierre	DEMR
Vernon Arens	Youldan	Bridgewiter
RON PRINCLA	BRIGANISTER	Beidjawater
Dia Dewsh	Deadwood	Terry Trojan Water Distrit

	ATTENDANCE SHEET	
DATE June 23	LOCATION Matthew	Training Center-Pierre
Name (PLEASE PRINT)	Address	Representing
Cheryle Van Zee	Corsica SD	SCWDD
Toby Brown	Sloux Falls	SECOG
Sara Mainstruit	Sioux Falls	SECOG
Buhard Gallun	Winny DR: 11	City Winner
Dennis C. Clorks	Med tield	City of Redfield
Rep Lou Sehent	Mitchell	SD DENR
Jim anglim	Piène	Wensigh / Earn
JANG AMPEREN	SIOUX FALLS	Mickeyou Recycone
Chuck Wein	Rapid Copy	teme Pallet

DATE _ WW. 24, 2005	LOCATION Matthew	Training Center - Pierre
Name (PLEASE PRINT)		
•	Address	Representing Lequirgigh
Frank J. Klaucek	2994423 Are Sofla	ASD Strata #19
erry I haten	29590 50 HWY34-Pien	a Bed River Wa. Aroj.
Cheryle Van Zee	Corpica, SD	SCWDD
Handlegsdke	Huron -	IRWOD
Gayleen Lowe	Pierre	DENID
Jim (unden	Pierre	TOUR
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